



**MINUTES OF A REGULAR MEETING OF THE
UPLAND PLANNING COMMISSION AND JOINT SPECIAL
MEETING OF THE AIRPORT LAND USE COMMITTEE
WEDNESDAY, FEBRUARY 23, 2022
AT 6:30 P.M.**

1. CALL TO ORDER OF THE PLANNING COMMISSION REGULAR MEETING

Chair Aspinall called the Regular Meeting of the Upland Planning Commission to order at 6:33 P.M. in the Council Chambers of the Upland City Hall.

2. PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by *Commissioner Shim*.

3. ROLL CALL

MEMBERS PRESENT: Chair Aspinall, Vice Chair Grahn, Commissioners Anderson, Caldwell, Johnson, Mayer, and Shim.

MEMBERS ABSENT: None.

ALSO PRESENT: Development Services Director and Planning Commission Secretary Dalquest, Deputy City Attorney Maldonado, Associate Planner Winter, Administrative Analyst Davidson

4. APPROVAL OF MINUTES

Moved by *Commissioner Anderson*, to approve the Minutes of the Planning Commission meeting of December 15, 2021.

The motion was seconded by *Commissioner Caldwell*.

The motion carried by the following vote (5-0-2):

AYES: *Chair Aspinall, Commissioners Anderson, Caldwell, Johnson, and Mayer*

NAYS: *None* ABSTAINED: *Vice Chair Grahn and Commissioner Shim*

ABSENT: *None*

5. COUNCIL ACTIONS

Development Services Director Dalquest indicated there were no reportable items from the City Council meetings on January 10, 2022, and February 14, 2022.

Development Services Director Dalquest reported City Council had a policy discussion on January 24, 2022, regarding park lease revenues in which the staff was directed to draft a resolution to use funds from park leases for park improvements within the respective district.

Chair Aspinall inquired about the changes to the district boundaries and whether it affects the Planning Commission. *Development Services Director Dalquest* replied that the Planning Commission is not selected by district.

6. FUTURE AGENDA ITEMS

Development Services Director Dalquest reported at the next Planning Commission meeting on March 23, 2022, there will be a Specific Plan Amendment to the Downtown Upland Specific Plan within the First Avenue Overlay to allow residential on the ground floor.

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7. ORAL COMMUNICATIONS

Chair Aspinall opened oral communications. Seeing no members of the public wishing to address the Planning Commission, *Chair Aspinall* closed oral communications.

8. RECESS REGULAR PLANNING COMMISSION MEETING

Chair Aspinall called for a recess of the regular Planning Commission meeting at 6:39 P.M.

**9. CALL TO ORDER OF THE SPECIAL JOINT MEETING OF THE UPLAND PLANNING
COMMISSION AND AIRPORT LAND USE COMMITTEE**

Chair Aspinall called to order the Joint Special Meeting of the Upland Planning Commission and Airport Land Use Committee at 6:39 P.M.

10. ROLL CALL OF THE AIRPORT LAND USE COMMITTEE

MEMBERS PRESENT: Chair Aspinall, Vice Chair Grahn, Commissioner/Committee Members Anderson, Caldwell, Johnson, Mayer, Shim, and Committee Member Campbell

MEMBERS ABSENT: None

11. ORAL COMMUNICATIONS

Chair Aspinall opened oral communications. Seeing no members of the public wishing to address the Airport Land Use Committee, *Chair Aspinall* closed oral communications.

12. PUBLIC HEARINGS

- A. CONSIDERATION OF TENTATIVE PARCEL MAP NO. 20448 (TPM-21-0002), TO SUBDIVIDE AN EXISTING 4.87 ACRE PARCEL INTO 5 NEW PARCELS AND ONE LETTERED LOT, AND DEVELOPMENT PLAN REVIEW NO. DPR-21-0008, AIRPORT LAND USE ALUC-21-0002, AND ENVIRONMENTAL ASSESSMENT REVIEW NO. EAR-21-0008 FOR THE DEVELOPMENT OF FIVE (5) NEW LIGHT INDUSTRIAL BUILDINGS ON SAID PARCELS, TOTALING 76,950 SQUARE FEET OF BUILDING AREA. THE PROJECT SITE IS LOCATED WITHIN THE LIGHT INDUSTRIAL (LI) ZONE AT 2068 W. 11TH STREET (APN 1007-301-01) (Project Planner: Joshua Winter).**

CEQA Determination: This Project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the CEQA Guidelines (In-Fill Development Projects).

Applicant: Nick Ashwill, Yellow Iron Investments, LLC

Appeal Period: The Planning Commission and Airport Land Use Committee's decision is final. An appeal period to contest this decision is February 24, 2022, to March 7, 2022.

Associate Planner Winter provided history of the previous application which was ultimately denied. He also provided an overview of the resubmitted Project and addressed the Airport Land Use Compatibility; proposed subdivision; future tenants; neighboring uses and shared parking; the California Environmental Quality Act (CEQA) findings; truck traffic along with environmental factors discussed in the Traffic Impact Analysis, the Noise Impact Analysis, the Air Quality Analysis, the Water Quality Management Plan, the Biological Analysis, the Health Risk Assessment; and summarized the Staff Report and reiterated Staff's recommendations.

In response to *Commissioner Shim's* inquiry, *Associate Planner Winter* replied there will be a traffic sign on Dewey Way and clarified that traffic on Dewey Way will be enforced by Code Enforcement Officers and is incorporated into the CC&Rs for the project.

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In response to *Commissioner Mayer's* inquiry, *Associate Planner Winter* explained the south part of the property is a 10-foot required setback that will have emergency doors on the buildings and landscaping in the planters. He further clarified there will be no vehicle access within the setback.

In response to *Chair Aspinall's* inquiries, *Associate Planner Winter* clarified the fencing locations, ADA access, and the neighbor's parking for Parcel A.

In response to *Chair Aspinall's* inquiry, *Associate Planner Winter* indicated there has not been discussion of afterhours security and deferred to the applicant.

In response to *Commissioner Johnson's* inquiry, *Associate Planner Winter* explained the parking requirements and pedestrian access as it relates to the fencing. *Development Services Director Dalquest* suggested a gate could be added if deemed necessary by the Planning Commission.

In response to *Commissioner Caldwell's* inquiry, *Associate Planner Winter* confirmed the applicant and neighbor have a reciprocal access agreement and are currently sharing parking.

Chair Aspinall expressed concern with the landscaping and suggested a different plant species. *Development Services Director Dalquest* suggested evergreen landscaping could be conditioned.

Chair Aspinall opened the public hearing.

John Edwards, Applicant, introduced the new project and stated and discussed the community outreach meetings, Owners Association meetings, and the help of Councilmember Carlos Garcia. He feels this is a project the community can be proud of and thanked the community and Councilmember Garcia.

Nick Ashwill, Applicant, presented a PowerPoint Presentation, that is on file with the Development Services Department, including the light industrial use and the footprint reduction of the site plan, introduced some of the tenants and identified tenants they are looking to attract to the two (2) vacant buildings, the grade changes and concealability of the buildings, truck trips and signage. He also addressed the parking concerns on Parcel A and indicated the neighbor has exclusive use of the parking lot which is why there is not a pedestrian gate.

Vicken Aghchikian, Tenant, provided a history of his family business "King Cheese" and expressed his excitement and growth potential of relocating his business to Upland.

In response to *Commissioner Johnson's* inquiry, *Mr. Ashwill* explained the presold buildings are not leases and are contractually obligated to transfer ownership to the buyers.

In response to *Commissioner Mayer's* inquiry, *Mr. Ashwill* replied there are maintenance agreements and an easement with the neighbor for the use of Parcel A. He also noted the CC&Rs will address the maintenance.

In response to *Chair Aspinall's* inquiry, *Mr. Ashwill* explained they are considering selling Parcel A to the neighbor in the future.

In response to *Commissioner Anderson's* inquiry, *Mr. Ashwill* replied they are open to changing the plant species and will work with staff to identify the appropriate landscaping.

Discussion ensued regarding the easement and maintenance of Parcel A.

Mr. Edwards clarified the process, current situation, and future actions of Parcel A which are pending approval of the project.

Chair Aspinall commented positively on the redesign of the project.

In response to *Chair Aspinall's* comment, *Associate Planner Winter* confirmed there are maintenance conditions in the CC&Rs in which the City can enforce.

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In response to *Vice Chair Grahn's* inquiry, *Mr. Edwards* confirmed the gate is a crash gate and will be used for emergency access only.

In response to *Chair Aspinall's* inquiry, *Associate Planner Winter* clarified some conditions.

Natasha Walton, resident, requested the Planning Commission continue this project and indicated further analysis is needed. Her comments included suggesting preconstruction nesting bird surveys, scale down the building footprint, incorporate more open green space for water percolation, planting more native plants and trees, inclusion of recreational space for employees and the public, redesign the building to fit the area better, and installation of solar panels on each building.

Chair Aspinall inquired if the applicant had additional comments, to which the applicant declined.

Deputy Attorney Maldonado indicated staff has revised conditions and advised it to be read for the record so the applicant could determine whether they agree.

In response to *Commissioner Mayer's* comment, *Associate Planner Winter* clarified language for a condition and indicated truck trips within the scope would be at the discretion of the Development Services Director and anything outside of that would come back to the Planning Commission for review.

In response to *Commissioner Mayer's* inquiry, *Development Services Director Dalquest* replied that trucks will be prohibited on Dewey Way and will be in the lease and within the conditions, which is enforceable.

In response to *Chair Aspinall's* inquiry, *Associate Planner Winter* clarified there is not a condition for off-site signage and therefore a sign is not proposed on Foothill Boulevard.

Development Services Director confirmed the conditions and CC&Rs are enforceable.

In response to *Commissioner Mayer's* inquiry, *Associate Planner Winter* confirmed a condition will be added to balance the earthwork onsite to minimize the import and export.

Mr. Edwards confirmed it is in the applicant's best interest and will minimize the import and export of soil.

In response to *Chair Aspinall's* inquiry, *Mr. Edwards* replied the buildings will be solar ready but depending on the use, not all buildings, or owners will need it. *Development Services Director* confirmed it is a requirement of the Building Code, that the buildings are solar ready.

In response to *Commissioner Mayer's* inquiry, *Mr. Edwards* confirmed the dark brown lines on the elevations are a design feature on the façade entry way.

Commissioner Mayer commented positively on the design of the project and hopes the finished product looks as good as the elevations.

Development Services Director Dalquest announced a new condition regarding trees.

Associate Planner Winter recited the revisions to the conditions.

Chair Aspinall closed the public hearing.

Commissioner Johnson commented positively on the project.

Commissioner Mayer thanked the developer for addressing the Commissions concerns

Commissioner Caldwell applauded the applicant and expressed appreciation for the improvements that were made to the project.

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Committee Member Campbell commented positively on the project and noted it fits within the Airport Land Use Compatibility Plan.

Moved by *Commissioner Mayer* that the Airport Land Use Committee approve a Resolution setting forth findings and making a determination of land use compatibility within the Cable Airport Land Use Compatibility Plan and Compatibility Zone D.

The motion was seconded by *Commissioner Anderson*.

The motion carried by the following vote (8-0):

AYES: *Chair Aspinall, Vice Chair Grahn, Commissioner/Committee Members Anderson, Caldwell, Johnson, Mayer, Shim, and Committee Member Campbell*

NAYS: *None* ABSTAINED: *None*

ABSENT: *None*

13. ADJOURN JOINT SPECIAL MEETING OF THE PLANNING COMMISSION AND AIRPORT LAND USE COMMITTEE AND RECONVENE THE REGULAR PLANNING COMMISSION MEETING

Chair Aspinall adjourned the Joint Special Meeting of the Planning Commission and Airport Land Use Committee and reconvened the Regular Planning Commission meeting at 7:59 P.M.

Moved by *Commissioner Mayer* to determine the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (in-fill development projects) of the CEQA Guidelines.

The motion was seconded by *Commissioner Caldwell*.

The motion carried by the following vote (7-0):

AYES: *Chair Aspinall, Vice Chair Grahn, Commissioners Anderson, Caldwell, Johnson, Mayer, and Shim*

NAYS: *None* ABSTAINED: *None*

ABSENT: *None*

Moved by *Commissioner Mayer* to approve Tentative Parcel Map No. 20448 (TPM-21-0002) and Development Plan Review No. DPR-21-0008 subject to the required findings and the conditions of approval contained in the Resolution, as amended.

The motion was seconded by *Commissioner Anderson*.

The motion carried by the following vote (7-0):

AYES: *Chair Aspinall, Vice Chair Grahn, Commissioners Anderson, Caldwell, Johnson, Mayer, and Shim*

NAYS: *None* ABSTAINED: *None*

ABSENT: *None*

14. BUSINESS ITEMS

- A. Consideration of the annual Planning Commission meeting schedule for 2022. (Staff Person: Jamie Davidson)

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Administrative Analyst Davidson presented the issues with the November and December meeting dates and reported staff recommends moving the November and December meetings to November 16, 2022, and December 14, 2022.

Moved by *Commissioner Anderson* to accept the revised 2022 Planning Commission meeting schedule.

The motion was seconded by *Commissioner Mayer*.

The motion carried by the following vote (7-0):

AYES: *Chair Aspinall, Vice Chair Grahn, Commissioners Anderson, Caldwell, Johnson, Mayer, and Shim*

NAYS: *None* ABSTAINED: *None*

ABSENT: *None*

15. PLANNING COMMISSION COMMENTS

Commissioner Anderson commended the previous applicant and suggested they join the Chamber of Commerce.

16. ADJOURNMENT

Moved by *Commissioner Mayer* to adjourn the meeting to the regular scheduled Planning Commission meeting on March 23, 2022.

The motion was seconded by *Commissioner Caldwell*.

The motion carried by the following vote (7-0):

AYES: *Chair Aspinall, Vice Chair Grahn, Commissioners Anderson, Caldwell, Johnson, Mayer, and Shim*

NAYS: *None* ABSTAINED: *None*

ABSENT: *None*

Chair Aspinall adjourned the meeting at 8:04 P.M. The next regularly scheduled Planning Commission meeting is Wednesday, March 23, 2022. A special Planning Commission meeting has been scheduled for Wednesday, March 9, 2022.

Respectfully submitted,



Robert D. Dalquest, Secretary
Upland Planning Commission